

### **REMARKS**

The Examiner rejected claims 1, 5, 6, 18-29, 31, 36, 37, 39, 41 and 43 under 35 U.S.C. §102(b) as allegedly being anticipated by Christie et al. (5,668,059).

The Examiner rejected claims 13-14, 41, and 45 under 35 U.S.C. §103(a) as allegedly being unpatentable over Christie et al. (5,668,059).

The Examiner rejected claims 1-5, 6, 8, 18-20, 23, 25-29, 31 and 39 under 35 U.S.C. §102(b) as allegedly being anticipated by Arldt et al. (5,766,670).

The Examiner rejected claims 1-5, 6, 8, and 44 under 35 U.S.C. §102(b) as allegedly being anticipated by Day et al. (6,444,407 B1).

The Examiner rejected claims 41 and 45 under 35 U.S.C. §103(a) as allegedly being unpatentable over Arldt et al. (5,766,670).

The Examiner objected to claim 39, alleging that “claim 39 refers to a cancelled claim.” In response, Applicants have amended claim 39 to clarify the invention.

Applicants respectfully traverse the §102 and §103 rejections with the following arguments.

**35 U.S.C. §102**

The Examiner rejected claims 1, 5, 6, 18-29, 31, 36, 37, 39, 41 and 43 under 35 U.S.C. §102(b) as allegedly being anticipated by Christie et al. (5,668,059).

Applicants respectfully contend that Christie does not anticipate claims 1, 18, and 41, because Christie does not teach each and every feature of claims 1, 18, and 41. For example, Christie does not teach “a flexibilizing agent comprising 2 percent to about 5 percent by weight of said composition”. Applicants note that the Examiner has alleged that Christie teaches that the flexibilizing agent comprises a maximum of about 1.6 percent by weight of said composition, which is outside of the claimed range.

Based on the preceding arguments, Applicants respectfully maintain that Christie does not anticipate claims 1, 18, and 41, and that claims 1, 18, and 41 are condition for allowance. Since claims 5-6 depend from claim 1, Applicants contend that claims 5-6 are likewise in condition for allowance. Since claims 19-29, 31, 36-37, and 39 depend from claim 18, Applicants contend that claims 19-29, 31, 36-37, and 39 are likewise in condition for allowance. Since claim 43 depends from claim 41, Applicants contend that claim 43 is likewise in condition for allowance.

The Examiner rejected claims 1-5, 6, 8, 18-20, 23, 25-29, 31 and 39 under 35 U.S.C. §102(b) as allegedly being anticipated by Arldt et al. (5,766,670).

Applicants respectfully contend that Arldt does not anticipate claims 1 and 18, because Arldt does not teach each and every feature of claims 1 and 18. For example, Arldt does not teach “a filler material comprising substantially spherical or spheroidal particles, each particle

having a diameter of less than about 41 microns”.

Based on the preceding arguments, Applicants respectfully maintain that Arldt does not anticipate claims 1 and 18, and that claims 1 and 18 are condition for allowance. Since claims 2-6 and 8 depend from claim 1, Applicants contend that claims 2-6 and are likewise in condition for allowance. Since claims 19-20, 23, 25-29, 31 and 39 depend from claim 18 Applicants contend that claims 19-20, 23, 25-29, 31 and 39 are likewise in condition for allowance.

The Examiner rejected claims 1-5, 6, 8, and 44 under 35 U.S.C. §102(b) as allegedly being anticipated by Day et al. (6,444,407 B1).

Applicants respectfully contend that Day does not anticipate claim 1, because Day does not teach each and every feature of claim 1. For example, Day does not teach “a filler material comprising substantially spherical or spheroidal particles, each particle having a diameter of less than about 41 microns”.

Based on the preceding arguments, Applicants respectfully maintain that Day does not anticipate claim 1, and that claim 1 is condition for allowance. Since claims 2-5, 6, 8, and 44 depend from claim 1, Applicants contend that claims 2-5, 6, 8, and 44 are likewise in condition for allowance.

**35 U.S.C. §103**

The Examiner rejected claims 13-14, 41, and 45 under 35 U.S.C. §103(a) as allegedly being unpatentable over Christie et al. (5,668,059).

Since Applicants have canceled claim 13, Applicants contend that the rejection of claim 13 is moot.

Since Applicants have amended claim 14 to depend from claim 1 which Applicants have argued *supra* to be allowable, Applicants maintain that claim 14 is likewise allowable.

Applicants respectfully contend that claim 41 is not unpatentable over Christie, because Christie does not teach or suggest each and every feature of claim 41. For example, Christie does not teach or suggest “a flexibilizing agent comprising 2 percent to about 5 percent by weight of said composition”. Applicants note that the Examiner has alleged that Christie teaches that the flexibilizing agent comprises a maximum of about 1.6 percent by weight of said composition, which is outside of the claimed range. Based on the preceding arguments, Applicants respectfully maintain that claim 41 is not unpatentable over Christie, and that claim is 41 in condition for allowance. Since claim 45 depends from claim 41, Applicants contend that claim 45 is likewise in condition for allowance.

The Examiner rejected claims 41 and 45 under 35 U.S.C. §103(a) as allegedly being unpatentable over Arldt et al. (5,766,670).

Applicants respectfully contend that claim 41 is not unpatentable over Day, because Day does not teach or suggest each and every feature of claim 41. For example, Day does not teach or suggest “a filler material comprising substantially spherical or spheroidal particles, each particle

having a diameter of less than about 41 microns". Based on the preceding arguments, Applicants respectfully maintain that claim 41 is not unpatentable over Day, and that claim is 41 in condition for allowance. Since claim 45 depends from claim 41, Applicants contend that claim 45 is likewise in condition for allowance.

## CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

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